



Order Filed on December 18, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

**McCABE, WEISBERG & CONWAY, LLC**  
**By: Alexandra T. Garcia, Esq. (Atty.**  
**I.D.#ATG4688)**  
**216 Haddon Avenue, Suite 201**  
**Westmont, NJ 08108**  
**856-858-7080**

Attorneys for Movant: Liberty Savings Federal  
Credit Union

IN re:

Michelle Starks  
Debtor/Respondent

Gerald C. Starks  
Co-Debtor/ Respondent

Case No.: 17-25804-RG

Chapter: 13

Judge: Rosemary Gambardella

Recommended Local Form



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY  
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is  
hereby **ORDERED**

**DATED: December 18, 2018**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
\_\_\_\_\_  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

Applicant: Liberty Savings Federal Credit Union  
Applicant's Counsel: Alexandra T. Garcia, Esq.  
Property Involved ("Collateral") 285 Shepard Avenue, East Orange, New Jersey 07018  
Relief Sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay  
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 6 months, from June 1, 2018 to November 1, 2018

☒ The Debtor is overdue for 6 payments at \$1,644.03 per month.

Total Arrearages Due: \$9,864.18

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$ \_\_\_\_\_. Payment has already been tendered by the Debtors.

☒ Beginning on December 1, 2018, regular monthly mortgage payment shall continue to be made in the amount of \$1,644.03.

☐ Beginning on \_\_\_\_\_, additional monthly cure payments shall be made in the amount of \$ \_\_\_\_\_ for \_\_\_\_\_ month(s).

☒ The amount of \$9,864.18 shall be capitalized in the debtor's Chapter 13 plan. The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: Liberty Savings Federal Credit Union  
616 Shelden Avenue  
Suite 300, P.O. Box  
Houghton, Michigan 449931

☒ Regular monthly payment: Same as above

☐ Monthly cure payment: Same as above

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$350.00 and costs of 181.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Michelle Starks  
Debtor

Case No. 17-25804-RG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Dec 20, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2018.

db +Michelle Starks, 285 Shepherd Avenue, East Orange, NJ 07018-2416

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 22, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 20, 2018 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Liberty Savings Federal Credit Union  
NJEFCMAIL@mw-c-law.com, nj-ecfmail@ecf.courtdrive.com  
Celine P. Derkrikorian on behalf of Creditor Liberty Savings Federal Credit Union  
njecfmail@mw-c-law.com  
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Douglas G. Mitchell on behalf of Debtor Michelle Starks douglas@lawyermitchell.com,  
gl8162@notify.cincompass.com  
Francis T. Tarlecki on behalf of Creditor Liberty Savings Federal Credit Union  
Njecfmail@mw-c-law.com, ftarlecki.kashlaw@gmail.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Melissa S DiCerbo on behalf of Creditor Liberty Savings Federal Credit Union  
nj-ecfmail@mw-c-law.com, nj-ecfmail@ecf.courtdrive.com  
Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation  
rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9